

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BENJAMIN LANGFORD,	§	
	§	No. 221, 2009
Plaintiff Below,	§	
Appellant,	§	Court Below—Court of
	§	Chancery of the State of
v.	§	Delaware in and for New
	§	Castle County
EDWARD W. BARNHOLT, H.	§	
RAYMOND BINGHAM, ROBERT	§	
J. BOEHLKE, ROBERT T. BOND,	§	
GARY E. DICKERSON, RICHARD	§	
J. ELKUS, JR., DENNIS J.	§	
FORTINO, STEPHEN P.	§	
KAUFMAN, JOHN H. KISPERT,	§	
KENNETH LEVY, MICHAEL E.	§	
MARKS, ARTHUR P. SCHNITZER,	§	
KENNETH L. SCHROEDER,	§	
JON D. TOMPKINS, LIDA	§	
URBANEK, and KLA-TENCOR	§	
CORPORATION,	§	
	§	
Defendants Below,	§	C.A. No. 2295
Appellees.	§	

Submitted: April 16, 2009

Decided: April 27, 2009

Before **HOLLAND, BERGER** and **JACOBS**, Justices.

ORDER

This 27th day of April 2009, it appears to the Court that:

(1) The plaintiff-appellant, Benjamin Langford, has petitioned this Court, pursuant to Supreme Court Rule 42 (“Rule 42”), to appeal from the Court of Chancery’s interlocutory order of March 17, 2009, which lifted a

stay imposed on August 13, 2008, dismissed count II of Langford's amended complaint and then stayed the remainder of the action. By order dated April 14, 2009, the Court of Chancery denied Langford's application for certification of the interlocutory appeal.

(2) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in exceptional circumstances.* The Court has examined the Court of Chancery's March 17, 2009 order according to the criteria set forth in Rule 42. In the exercise of its discretion, the Court has concluded that exceptional circumstances such as would merit interlocutory review of the Court of Chancery's order do not exist in this case.

NOW, THEREFORE, IT IS HEREBY ORDERED that the interlocutory appeal is REFUSED.

BY THE COURT:

/s/ Carolyn Berger
Justice

* Del. Supr. Ct. R. 42(b), (d)(v).